

NOVEMBER 8, 1949
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BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

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Should the Communist Party Be Outlawed Now?

Moderator, GEORGE V. DENNY, Jr.

Speakers

CLYDE A. LEWIS

JACOB K. JAVITS

CHARLES J. KERSTEN

HARRY D. GIDEONSE

(See also page 12)

COMING —

— November 15, 1949 —

What Should Be the Liberals' Program Now?

— November 22, 1949 —

Do Our Churches Offer a Sound Basis for Faith and Living?

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THE BROADCAST OF NOVEMBER 15:

"What Should Be the Liberals' Program Now?"



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"Do Our Churches Offer a Sound Basis for Faith and Living?"



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Town Meeting

BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

GEORGE V. DENNY, JR., MODERATOR



EMBER 8, 1949

VOL. 15, No. 28

Should the Communist Party Be Outlawed Now?

nouncer:

Last week, we gave you a report on our Round-the-World Town Meeting from the American Embassy in Cairo. Since you've asked for the reaction from our own people to these programs, here are some letters from listeners. Here's one from Rosa Snow of Marion, Ohio. "I've just finished a six-weeks' period listening to Town Meeting as part of our English course. I've enjoyed these six weeks immensely and, believe me, I've learned a great

deal. From a registered nurse in Yakima, Washington, comes another: 'It seems to me that each meeting, presenting as it did the alert and brilliant speakers of each country, should help us to be more understanding as well as more humble and undoubtedly give them a clearer conception of what we try to represent. I was particularly impressed by the brilliant Negro speaker in India. Why can we not have them on Town Meeting at home?'"

From Cliffside, New Jersey, Adeline Bracco writes: "As a faithful follower of your courageous crusade for democracy, I want to thank you and certainly hope you go to South America on the same mission."

Now, to preside over our discussion, here is your moderator, president of Town Hall, New York, and founder of America's Town Meeting of the Air, Mr. George V. Denny, Jr. (Mr. Denny. (pause))

moderator Denny:

Good evening, neighbors. Last night in Washington, the Soviet Embassy lavishly entertained a thousand guests, including many

Americans, to celebrate the 32d anniversary of the Bolshevik Revolution. Earlier that same day in Moscow, the official organ of the Politburo lashed out at what he called the American plan to enslave the entire world, which he said was borrowed from the mad plans of Adolph Hitler and Hermann Goering. He said the American plan "was nothing more nor less than converting the whole world into a colony of American imperialists and reducing sovereign peoples to the position of slaves."

Do you Americans sitting by your radios out there across the land recognize yourself by this description? It's no wonder we find it difficult to understand the Russians.

A few weeks ago, eleven leaders of the American Communist party, after nine months of agonizing trial, were found guilty of conspiring and advocating the overthrow of the United States Government by force and violence. Last week, they appealed to that Government to be set free on bail, and that appeal was granted.

It's a matter of record that, throughout the trial and before these men made full use of the protections provided minor under our Constitution, in order to put themselves in positions where they could destroy those very safeguards.

Yes, it's no wonder we are confused about what we should do about these people who claim they are American citizens and at the same time, members of the Communist party. We are, therefore, calling upon three legal authorities and a liberal college president economist to lead our discussion this evening on the basic question, "Should the Communist Party Be Outlawed Now?"

Our first speaker was a member of the 80th Congress from the Fifth Congressional District in Wisconsin and was Chairman of the Congressional Sub-Committee that investigated the all-Communist activities in the Allis-Chalmers strike—the same Sub-Committee that began the investigation of the United Electrical Workers which last week was thrown out by the C. I. O.

Mr. Charles J. Kersten is a graduate of Marquette University of Law and was a first Deputy District Attorney in Milwaukee County where he is now practicing law. Mr. Kersten. (Applause)

Mr. Kersten:

No one would question the wisdom of outlawing the conspiratorial organization known as Murder, Inc. That's because its acts were intrinsically bad.

Now what kind of an organization is the Communist party?

Is it just a minor political party, one that might fit somewhere in the framework of our Constitution?

The Communist party is not just a minor political party. It cannot fit within the framework of any government that maintains civic liberty. It has proven itself to be an international conspiracy under iron discipline, the business of which is the killing of free states and their reduction to satellites to the U. S. S. R. The head of the party, Stalin, says it is not a political party concerned with elections and parliaments, but it is, he says, a general staff to lead the masses to revolution. Stalin says it cannot afford to be liberal and that there must be a unity of will in order to accomplish the ultimate union of the whole world under one United Socialist Soviet Republic.

The iron discipline of the party was demonstrated when Stalin ordered that Browder be removed as head of the American party in 1946. At the two-day Communist trial here in New York, the vote of the delegates was 49 to 1 for expulsion of Browder. Only Browder dared vote against it.

The far-reaching strands of the conspiracy were shown in the Allis-Chalmers strike in Milwaukee early in 1941. At that time—before Hitler attacked Stalin—the Soviet policy was to sabotage America's war effort. Moscow selected two plants in the United States to be struck. The North American Aviation Plant in California was one. They were making planes for Britain. The Allis-Chalmers plant in my home town, Milwaukee, was the other. They made turbines for destroyers.

A Communist agent left New York for Milwaukee with his own instructions. Together with Eugene Dennis, he met the president of the Allis-Chalmers Union in a private residence in Milwaukee, orders were given, and the strike was called shortly thereafter.

A Milwaukee court later found that 2,500 fake ballots were cast in the strike vote. Mr. Forrestal, then Secretary of the Navy, testified that this strike delayed the American destroyer program by months, just as planned 5,000 miles away in the Soviet capital. You remember, gentlemen, earlier this year when Communist leaders the world over, Thorez in France, Togliatti in Italy, and Communist party officials in the United States announced that they would be on Russia's side in the event of war. They are bold and open about their world ambition.

Now are we to treat these bold and open threats and operations as far as the American fifth column is concerned? Are we to rely on mere exposure and publicity to stop the American section of the world conspiracy?

It has already been exposed in the execution of Yovanovitch in Yugoslavia, the hanging of Petkov in Bulgaria, the suicide of

Masaryk in Czechoslovakia, the destruction of Mindszenty in Hungary, and in the rebirth of human slavery in the labor camps of Siberia.

This conspiracy has been exposed, but its cold mechanism continues to operate within the laws of our own country. Our Ambassador, Walter Bedell Smith, told us only yesterday that Lenin's dream of world conquest was still Stalin's plan.

Congress presently has before it a bill that makes it criminal for such an organization to have foreign connections and that requires it, under penalty, to register its members and label its propaganda. That bill outlaws the essential criminal activities of the Communist party in the United States of America, and should be passed now. (*Applause*)

Moderator Denny:

Thank you, Mr. Kersten. It's been too long since we've had from Harry Gideonse on this program. Dr. Gideonse has been president of Brooklyn College for the past ten years and at the same time has been active in many educational organizations notably, the Wendell Willkie Memorial Building and Free House. He's been chairman of a commission to investigate freedom of labor. Well, Dr. Gideonse, what's your opinion on this question "Should the Communist Party Be Outlawed Now?" Dr. Gideonse (*Applause*)

Dr. Gideonse:

Mr. Denny, to clear up the real subject under discussion tonight let me say that my own opinion is that Mr. Kersten's facts about the Communist party are substantially correct. I agree completely with them, there is no argument about that at all. There's only argument about the method of dealing with those facts.

Communism today in the United States is in a decline. It's decline because we fought it to a standstill and to a decline in publicity. The decline is not merely the result of increased alertness on the part of Government. Communists may talk about new freedom and democracy but even the fellow traveler with a mind so open there's nothing left but a draft can understand the evidence that is spelled out day after day in his newspapers about the persecution of religious leaders, the purge of the middle class in Czechoslovakia, about political and judicial murders in Hungary, about the imperialist desire to run the whole show in Yugoslavia or in Poland from Moscow, and about perjury, lying and a dozen varieties of moral and political skullduggery in his own trial before Judge Medina.

We're smoking them out by exposure, Mr. Kersten—by exposure. The facts, including the useful and valuable facts Mr. Kersten brought out, are brought to light, and the results are devastating to communism.

Should we now follow through and repress the party by law? Knowing the record of this group for conspiratorial, disguised,ouflaged operations, does anyone really think that a new another law, would stop them? That's one of the silly American customs—to solve big political and social questions by yet other law.

Isn't it clear from their record that they have no respect for and would merely go underground more completely than are now with a new wardrobe of political and letterhead guises?

Wouldn't we simply be making it harder for ourselves because would now have to study, smoke out, and expose all those new ouflages which would, for a while at least, mislead a whole crop of innocent citizens?

It is true that the Communist party is not just another political party. It is organized, untruthful, political conspiracy, and a member of the Communist party is not just a member in the sense we the term member when we speak of registered Republicans or Democrats.

A member of the Communist party accepts party discipline, it is well known that such a member takes orders—follows party line—in a way that's not true at all of members in free political parties.

We can control below-the-belt tactics and illegal acts of individuals with laws and with investigations and with legal prosecution of individuals to see to it that our laws are observed and, perhaps, more important to see to it, through legally presented tested testimony, that public opinion gets a clear idea of just what's going on. That's what we're doing now and it works.

The most effective protection of free society is the old remedy exposure and publicity. Legal recognition of the party does not mean that we approve of its purpose or its activities. Repression of the party would make exposure infinitely harder than it is. Repression would simply force the Communists to do more of the same sort of thing they do now; that is, to disguise themselves behind reputable, progressive, and liberal slogans with their committees full of real and spurious innocence.

We should not force them underground. On the contrary, we should force the large part that is now underground to be above ground, and publicize the facts.

If there is no open enemy in the field, we might go asleep at post. The enemy does not become a friend by forbidding him to come out in the open. Repression merely makes him more dangerous because it forces him to conceal his real identity. The result of such concealment is increased doubt and confusion about the friends of freedom because of the difficulty of separating those who wish to reform a free society from those who wish to destroy it.

We need to be able to tag the real thing. The real thing is dangerous. It needs correct identification. To drive it underground legally simply conceals the symptoms and makes it harder to cure the disease. Thank you. (*Applause*)

Moderator Denny:

Thank you, Dr. Gideonse. Our next speaker is the recently elected commander-in-chief of the Veterans of Foreign Wars. He is a graduate of Notre Dame University and of Harvard Law School. He enlisted in the Army Air Force as a private in World War II but quickly rose to the position of flight commander, operations officer, and squadron commander. He completed one tour of duty and almost completed his second by V-E Day when he had attained the rank of Major. He received many decorations for his war service, and returned to private life after the war to practice law in his home town, Plattsburg, New York, where he now lives. We are happy to present Mr. Clyde A. Lewis. Mr. Lewis. (*Applause*)

Mr. Lewis:

Well, it is very apparent that Mr. Kersten and Dr. Gideonse are in complete agreement as to the character and purpose of the Communist party. They disagree only on how we should deal with Communists. Mr. Kersten believes the Communist party, like Mussolini Inc., should be outlawed and prosecuted, while Dr. Gideonse favors the soft approach of exposure and denunciation. I favor the firm right position of Mr. Kersten.

Communism, like a cancer, is gnawing away at the vitals of the American way of life. Communism feeds upon misfortune, frustration, and ignorance. Like cancer, communism cannot be eradicated by surface treatment, by ignoring or ridiculing it.

The Veterans of Foreign Wars, composed of men who have allowed the American Flag to the far corners of the world to defend and preserve our American way of life, have unanimously successive national conventions petitioned the Congress and the President to outlaw the Communist party and to make membership therein illegal.

The objective of the communist movement in the United States, in every noncommunist nation, is to destroy the existing government by illegal means, by violence and terror.

The communist movement is the agent of a sovereignty other than that of the United States. Every thinking person who has been least aware of the pattern of conquest, both territorial and ideological, of the international communist movement in Europe and Asia must accept this as a fact.

Then how and by what means must this Nation, which today stands athwart the communist drive for world domination, move to defend itself?

surely the Constitution of the United States must provide the authority. This is inherent in any constitution, or any instrument designed to protect the liberties of a people. It would be tragic, if Congressman Javits, if the Constitution of the United States could be the instrument by which the Communist party could destroy that Constitution.

The Congress of the United States could enact legislation which would outlaw the Communist party in this country and make membership in such party by any individual subject to imprisonment.

Only the judiciary, ultimately the Supreme Court of the United States, could pass on the question of constitutionality.

Mr. Gideonse argues that outlawing the Communist party would likely drive the Communists underground. The most serious part of the Communist movement is already underground. Legalization would deprive the underground apparatus of the cover and protection and funds that they now enjoy from the balance of legality which covers their operations.

It is also argued that outlawing the Communist party would violate the constitutional guarantees of free speech and assembly. In general, the principles of democratic government cannot be interpreted and practiced in such a way as to make democratic government itself impossible.

The rights and freedoms of democracy are properly extended only to those who accept the fundamental rules of democracy. If this is not the interpretation, then a democratic government cannot defend itself. It welcomes and fosters its own murderers. The American people cannot and will not accept.

Surely the framers of the Constitution could not have intended to leave the freedoms of our people so unguarded. State supreme courts have on two occasions taken judicial knowledge of the fact that the Communist party does advocate the overthrow of the government by force and violence. An American jury has found

eleven top Communist party leaders guilty of such a conspira

The Attorney General of the United States has stated that Communist party believes in, advises, advocates, and teaches the overthrow by force and violence of the government of the United States.

History tells us that every great nation in the past declined or was destroyed because that country could not meet the challenge of destruction from within. The United States must meet the poisonous challenge of world communism by outlawing the Communist party in this country. (*Applause*)

Moderator Denny:

Thank you, Mr. Lewis. Our next speaker, who disagrees shall with Mr. Lewis on tonight's question, is also a member of Veterans of Foreign Wars, the American Legion, and other veterans' organizations, and also has a distinguished war record. He is one of the most versatile and busy Congressmen in our national legislature. Congressman Jacob K. Javits, Republican Liberal, New York City, represents the 21st Congressional district, born in New York City, educated in the public schools here, graduated from New York University Law School, and began his practice of law in this city in 1927. He's a member of the House Foreign Affairs Committee. Will you step right up, Congressman Javits? (*Applause*)

Congressman Javits:

Mr. President, we seem to agree that we do not want Communists or their works. And the question appears to be, what do we do about the Communist party in the United States in order best repel its challenge to our freedoms, as argued by Mr. Kerr and Mr. Lewis, without jeopardizing those very freedoms argued by Dr. Gideonse.

Let's be clear that the outlaw of the Communist party, as Lewis urges, means to make it an offense punishable by a sentence to belong to the Communist party. To accomplish this result, it is necessary to name the Communist party in so many words in a law and define as a fact in the law itself that anyone belonging to the domestic Communist party is part of a conspiracy to effect the overthrow of the United States Government by force.

This, then, is a declaration of outlawry by label, for which we are naming specifically an organization to which it is a crime to belong. Once this is done, we've suspended the essential constitutional freedom that no man shall be convicted for a crime

cept by his individual acts, and we've issued a bill of attainder against anyone who holds membership alone in a certain group, regardless of whether that person has done anything himself which is illegal.

The minute we start on this course, we've opened the whole Andora's box of specific laws which could be passed to outlaw any unpopular minority, not just political, as in the case of the Communist party, but a social minority, or indeed a religious minority.

Under such circumstances, for instance, the Congress could fine any world-wide religious movement as subversive and punish membership in it, or even belief in it, as a crime.

We dare not start on the path of creating crime by label, which Mr. Lewis and Mr. Kersten would have us do, as labels are the very instruments of the confusion and deceit which we are fighting in communism. For example, we condemn most strongly the fact that, in the Soviet Union, it is a crime to be a Trotskyite, or an enemy of the state, because these are labels which could be applied to anyone, and once applied, would lead to conviction, though no personal criminal act may have been committed.

With the appellation "Communist" itself. It's already enough to ruin a person socially and economically without further proof because another has called him a Communist. Some of my Northern colleagues in the Congress call anybody who believes in civil rights or social security or aid to the democracies of war-torn Europe a Communist. Our courts have been quick to recognize the threat and have held the appellation "Communist" to be a label unless proved to be true.

We know that what the Communists want is that a minority of the people shall be permitted to inflict their will by force on the majority, but by seeking to outlaw the Communist party, we make all other minorities notice, too, that we do not want any more flexibility of our Constitutional system whereby peacefully the smallest minority may aspire to become a majority. And we make Communists automatically into martyrs—a role they now find hard to create though they work very hard at it.

We have on the books a law now making it a crime to conspire to overthrow by force the government of the United States, or to knowingly or willfully advocate or teach the duty, necessity, practicability, or propriety of such doctrines. It was under this law that the eleven top leaders of the Communist party were indicted, tried, and convicted in New York. The law punishes acts, not labels. If its constitutionality is sustained on appeal, then our Constitutional structure will again have demonstrated, as it has

so often before, that it is enduring and flexible enough to meet any challenge.

If the law is declared unconstitutional, we will then be able to seek other ways with the guidance of the court's decision to re-enact by legislation the subversion and infiltration of communism.

By pitiless exposure and publicity, by tightening up the laws against espionage and subversive communication with foreign powers, and the laws against criminal libel, and, by extending these to libel against whole groups seeking to stir up racial and class war, or seeking to deceive and confuse with the willful purpose of causing economic paralysis, riot, or strife, we can find ways of meeting the communist threat without resorting to the creation of felony by label, which strikes at the very heart of the freedom of all minorities and is legislation with a cutlass instead of a scalpel. (Applause)

THE SPEAKERS' COLUMN

JACOB KOPPEL JAVITS—Republican from New York, Congressman Javits is a member of the House Committee on Foreign Affairs. He was born in New York City in 1904, and received his law degree from New York University. Admitted to the New York bar in 1927, he has practiced as a trial lawyer. He was special assistant to the Chief of Chemical Warfare Service of the United States Army in 1941-42. He was elected to Congress in the November election of 1946.

From 1942 to 1945, he served in the European and Pacific Theaters of War and was discharged as a lieutenant colonel. He has written many articles on political subjects and is well-known as a lecturer. He recently returned from a European trip during which he visited 12 countries.

CHARLES J. KERSTEN—Attorney Charles J. Kersten is a former Republican Congressman from Wisconsin. Born in Chicago in 1902, he has a law degree from Marquette University College of Law. Since 1928, he has engaged in the practice of law in Milwaukee where he is a member of the firm of Kersten and McKinnon. From 1937 until 1943, he was first assistant district attorney of Milwaukee County. He was a member of the 80th Congress from the Fifth Wisconsin District.

HARRY DAVID GIDEONSE—A native of Rotterdam, the Netherlands, Dr. Gideonse (gid'e-unz) was brought to the United States in 1904, at the age of three. Receiving his B.S. and M.A. degrees from Columbia University, he

continued his studies at the University of Geneva. From 1919 until 1921, Gideonse was engaged in chemical research at the Eastman Kodak Company, and from 1924 until 1926 he was a lecturer in economics at Barnard College and Columbia College (Columbia University). While studying abroad, he was director of international student work at Geneva, Switzerland. Following his return to the United States, Gideonse was assistant professor of economics at Rutgers University for two years. In 1930, he became associate professor of economics at the University of Chicago, where he remained until 1938, when he was appointed professor of economics at Columbia University and chairman of the department of economics and sociology at Barnard College. Since 1939, he has been president of Brooklyn College, the City of New York. Dr. Gideonse is a member of numerous societies concerned with economics and foreign relations. He has been the American editor of *Revue Economique Internationale* (Brussels) since 1928; editor of the Public Policy Pamphlet from 1932 to 1942; and is the author of many books.

CLYDE A. LEWIS—An attorney from Plattsburg, New York, Mr. Lewis was elected Commander-in-Chief of the Veterans of Foreign Wars of the United States at the convention of that organization in August. He is a graduate of the University of Notre Dame and of Harvard Law School. During World War II, he was a bombardier pilot in the European theater of operations. He received the Distinguished Flying Cross with two Oak Leaf Clusters.

derator Denny:

Well, gentlemen, you have certainly stated the case beautifully both sides. Now suppose we have a little discussion among you before we take the questions from the audience. Mr. Kersten.

Mr. Kersten: I would like to ask Dr. Gideonse this question. If complicity alone is adequate to deal with the main business of the Communist conspiracy, namely, the murder of free states, why isn't complicity alone adequate to deal with all crimes? Why have any criminal laws or courts of justice? Just bring the ugly facts to the face and they will vanish.

Dr. Gideonse: That's quite a compliment to education, isn't it, question, by implication, but I can't spell out the implication. Think what's wrong with the question to begin with is the assumption that communism is a vulgar crime such as murder, or as kidnaping. Communism, unfortunately, is one of the facts of the ideological world in which we live, not just in the United States but in the world as a whole.

Mr. Kersten: Would you not agree though, Doctor, that it is a bloody fact, as evidenced by its record for the past four years, being actually murdered several free states?

Dr. Gideonse: No question about that, but it is not crime of the kind you mentioned. It is an ideological crime, first of all. It's dealing therefore with folks who have accepted another vision, if you please—another set of ultimate values. You're going to cope with that in one country by law. You've got to cope with that in terms of a defense of your own philosophy of life, making it more attractive, both by what you say and by what you do. (Applause)

Mr. Denny: Let's have Mr. Lewis in on this.

Mr. Lewis: On this question—I could also direct this to Congressman Javits—isn't it true that we all agree here this evening that the Communist party is an instrument of a foreign government, and that when a person becomes a member of the Communist party in this country he pledges his allegiance to the Communist Party International and also to Russia, and he pledges to inspire to overthrow the Government of the United States?

Representative Javits: I'd like to point out to my friend, Mr. Lewis, that's exactly what 11 men have been convicted for underhanded law, and, therefore, you don't need another law which have a thousand mischiefs in its train to do what is done effectively by a law we already have. (Applause)

I like to pay my respects, too, to the question asked by Mr. Kersten. I've had a little more training with Mr. Kersten because we met him on the floor of Congress. You can't answer a

question like that in a vacuum, and you shouldn't. Certainly the situation in Czechoslovakia, or Hungary, or Poland, right on the border of Russia with cancers of their own—economic, social, political—is very different from the virility and the freedom of the constitutional democracy and the great body of law of the United States. I don't see any similarity whatever between the situations. (*Applause*)

Mr. Kersten: Now, in response to what Mr. Javits had to say, it isn't merely theoretical or merely ideological that several hundred thousand people have lost their lives because the Communists have liquidated them because they have opposed them. Therein lies the real crime—the murdering of free states.

In every state where the Communists have come to power they have liquidated all opposition. I say that's a crime—ideological or not. It's the kind of a crime that we don't want to begin in the United States.

With regard to Congressman Javits' statement here that we are attempting to outlaw Communism by label, we are doing nothing. I supported the Mundt-Nixon bill which outlaws the existence of communist activity, outlaws an attempt to set up a dictatorship in this country under the control of a foreign power, brings Communists from underground by requiring them to do their propaganda. I think that puts the Communists in a position where they could be a political party. We want to outlaw the criminal acts of the Communists, which is the substantial act of communism today the world over. (*Applause*)

Congressman Javits: I must differ with Mr. Kersten. The Mundt-Nixon bill—which I am delighted to have voted against—is exactly what he said it doesn't do. (*Applause*) I've got the Mundt-Nixon bill before me. The Mundt-Nixon bill defines the act which is a crime as belonging to a communist totalitarian dictatorship which is defined as this very Communist party in the United States—the very thing I was arguing about.

This is the creation of a crime by the finding of a fact by Congress—the Mundt-Nixon bill is exactly and was voted against by all distinguished constitutional lawyers. It's exactly criminal by label.

One other point which Mr. Kersten hasn't answered and this is very important. In France and in Italy, the Communist parties were not outlawed. That's where it was beaten. In Germany, in Czechoslovakia and in Hungary and in Poland, which are under the shadow of the Red Army and which are themselves tiny, weak countries, the Communist Government of the Soviet Union was able to force Communism on them.

But the greatest test is that in a free democracy, analogous to our own—France or Italy—you didn't have to outlaw the Communist party. In fact, if you had, you might have had communism. You didn't. You fought it in the open and you beat it. I think that's the ultimate proof. (*Applause*)

Mr. Denny: Mr. Lewis?

Mr. Lewis: I'd like to call Dr. Gideonse' attention and Congressman Javits' to the fact that it is conceded there are approximately 1000 card-carrying Communists in the United States with about a quarter of a million in the underground.

Now over the past few years, we have done everything through publicity, exposure, and denunciation to curb the activities of the Communist party, and I'd like to ask this question of Dr. Gideonse: Do you think we have made any converts of the Communists to the cause of democracy? Do you think any of them—the card-carrying members—are at this stage ready to concede that democracy is better suited for the needs of this country than the aims of the Communist party?

Dr. Gideonse: Frankly, I'm not awfully concerned about converting members that are card-paying members of the Communist party. What I'm concerned about is stopping them from making converts among those who aren't in that category. From that standpoint, I am sitting in a very pretty spot. I'm quite satisfied with the way things are going now. The way things are going—~~is~~—their declining support, the increasing exposure, they're being kicked out of trade unions where they have infiltrated—~~are~~ three or four years ago some of us were saying that they were infiltrated and people wouldn't believe it. They're being kept in their place. We're now getting legal findings in courts, and we're being very clear that if those court findings don't stand up, we're learning how to cope with them in terms of amendments of the Constitution. That's the method of a free democracy—exposure, publicity, mowing the grass before their feet, meeting their propaganda, exposing their underhandedness. In that way, we learn to understand that the strength of our own institutions is, and that's what I'm interested in. (*Applause*)

Mr. Denny: Thank you. Now, while it's getting hot, we'll get ready for our question period. Meanwhile, we have a special message for our listeners.

Announcer: This is Town Meeting of the Air, coming to you from Town Hall, New York, where we're discussing the question, "Should the Communist Party Be Outlawed Now?" Our speakers are Clyde A. Lewis, attorney and commander-in-chief of the W.; Congressman Jacob K. Javits, Republican of New York;

Charles J. Kersten, attorney; and Dr. Harry D. Gideonse, president of Brooklyn College.

Have you ordered your copy of the bound volume of the Round-the-World Town Meeting? For your convenience, all 12 of the Round-the-World Town Meetings have been bound together in one volume which you may secure by sending \$1 to Town Hall, New York 18, New York. This volume contains a complete transcript of the Town Meetings held in London, Paris, Berlin, Vienna, Rome, Ankara, Tel Aviv, Cairo, Karachi, New Delhi, Manila and Tokyo.

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Now, let me repeat, for the entire series of the Round-the-World Town Meetings, in one convenient volume, send \$1. If you want tonight's broadcast, or any individual Town Meeting, send 10 cents for each program to Town Hall, New York 18, New York. Now, for our question period, we return you to Mr. Denny.

QUESTIONS, PLEASE!

Mr. Denny: Now, we're ready for our question period. We'll begin with the lady over there on the left.

Lady: How are liberals to function to better our democracy and not be called Communists? (*Applause*)

Mr. Denny: That was to Congressman Javits.

Congressman Javits: Well, I think there are ample opportunities by now through the great trades unions, the A. F. of L. and C. I. O.; through the Americans for Democratic Action; through liberal political action. There is a great liberal wing of the Republican party with which I have the honor to be identified and a great liberal wing of the Democratic party.

By now, it's pretty clear where and through what media liberals can act without the remotest feeling that they are in any way related to Communists—in any way, shape, or form.

Mr. Denny: Thank you. The young man in the balcony.

Man: I have a question here for Mr. Lewis. Would you please show me the legal evidence which proves the illegal actions of the Communist party as a whole and not only certain individuals?

Mr. Lewis: Will you repeat that again—the last part of it?

Man:—the illegal actions of the Communist party as a whole—only certain individual Communists.

Mr. Denny: What is the illegal action of the party as a whole?

Mr. Lewis: The illegal action of the Communist party as a whole that it seeks to overthrow the Government of the United States. It takes orders not from anyone in this country but from a pipe line direct to Russia. I think that is the answer to your question.

Mr. Denny: Over there?

Man: I asked for the evidence, not the statement. (Applause)

Mr. Lewis: I believe we must agree that the Communist party in international movement with the ultimate goal of world domination and world conquest by those who believe in the Communist party. I think, if you will look at what happened around the world during the past year and a half when they have gained tremendously in various sections of Europe and in Asia, that the menace lies there that it is a menace toward what we are trying in our democratic form of government here in the United States of America. (Applause)

Mr. Denny: All right. The gentleman over here?

Man: I have a question for Dr. Gideonse. Is it your view that to view the Communist party in the United States is to endanger minority groups? Please comment on this.

Dr. Gideonse: It might endanger other minority groups. I didn't stress that point because I have been concerned with dealing with the Communist menace to free society. But I think where I speak as a layman; I'm not a lawyer—that it will be extremely hard legally to define—and you have to do that if you make a statute on this, that is to be constitutional—the Communist party and at the same time keep it narrow enough so that only subversive totalitarian movements will be struck and not just any orthodox way of political thinking.

Indeed, for instance, in discussing this with my colleagues on a program that while we agree on the facts—at least I do—not the present Communist party, that they tend to think that movements qualifying world government by limiting national sovereignty are a little suspect from the Communist point of view. Now I happen to think that world peace will *only* come if we emphasize national sovereignty more than we have so far. Therefore I regard it as particularly dangerous that one should begin to think that a world government movement—even a mild one—emphasizing world sovereignty, like, say, Justice Roberts' Atlantic

Union movement, has in some way something in common with Communist thinking.

I would want the definition of the new law to be very exact indeed, so that we don't kill a lot of other chickens while we are firing at the fox. (*Applause*)

Mr. Denny: The young lady under the balcony.

Lady: Mr. Kersten. Don't you think that the American people have enough judgment to compare communism and democracy and then make up their own minds without a law? (*Applause*)

Mr. Kersten: I certainly think that the American people have good judgment and can make up their minds as to whether or not communism is good or bad. But when an organization that exists in the United States, such as the Communist party, acts in alliance with other organizations of a similar kind under the direction of a foreign power, and remains and acts underground, it acts like any other criminal conspiracy and should be dealt with by the law.

In my opinion, it is a crime; it is acting in a criminal way. Just as the American people have to deal with crime by proper laws that meet the situation, so we must deal with this situation which is a conspiracy to set up a totalitarian dictatorship in any country where it operates. (*Applause*)

Mr. Denny: Thank you. The gentleman in the balcony.

Man: Congressman Javits. Do you think that the American Bund should have been outlawed and its leader jailed? Then why not the same treatment for the Communist party?

Congressman Javits: My questioner assumes that I think that the leaders of the American Bund should have been outlawed and its leader jailed. As a matter of fact, the leader of the Bund was not jailed for crimes on the statute books, just as the leaders of the Communist party are being jailed for crimes on the statute books of which they were found guilty.

My cardinal point is this—and it's very important—we all agree upon what this Communist party is trying to do. What I say—and the analogy of legislating with a cutlass instead of a scalpel is very apt—is that by trying to strike down the Communist party in naming it we will be striking down a host of other things which we hold most dear. That's unnecessary. We can reach the American Bund as we did reach it, and as we did reach Fritz Kuhn. We can reach the leaders of the Communist party with the will and determination to do it and the laws which we can draft entirely compatible with our constitutional system. (*Applause*)

Mr. Denny: Thank you. The young lady down here, please.

Lady: I'd like to address this question to Mr. Kersten. Should we not keep a distinction between communist thought and

nist traitorous action? Isn't communist thought within the
philosophic realm like the Republican party? (*Laughter*)

Mr. Denny: You might at least have said the Republican and
Democratic parties!

Mr. Kersten: I think an overwhelming number of Republicans
and Democrats voted for the Mundt-Nixon Bill that passed the
House overwhelmingly—over 4 to 1. I do think we should keep a
distinction between thought and action. It is action that is aimed
against, for example, the Mundt-Nixon Bill—any act, it says,
is controlled by a foreign power that attempts to set up a dictatorship
in this country. That's the distinction that is kept and certainly
should be limited to acts.

Mr. Denny: Thank you. The gentleman under the balcony there.

Mr. Gideonse: My question is directed to Dr. Gideonse and Mr. Kersten.
How can we expect to spread our concepts of democracy abroad
unless we crush unpopular minority opinion at home guaranteed
by our Constitution's first amendment? (*Applause*)

Dr. Gideonse: Well, I didn't propose to crush it, so I leave that
question to the gentleman here who proposed to. (*Applause*)

Mr. Kersten: I think that's a very good question. It's one that
is the fundamental factor involved here. I think that what
is concerned with here is to stop those people that would
try to control the thought controllers. In other
words, wherever the Communists have come to power they have
eliminated opposition. They do not permit freedom. We don't want
any part of that kind of thing in this country. In order to preserve
the freedom to which you refer, we don't want to let the
thought controllers—the Communists—get a foothold in this
country. (*Applause*)

Mr. Denny: All right. Thank you, both. Congressman Javits and
Congressman Lewis are both on their feet now. All right, Congressman

Mr. Javits: I think that's a fine answer except that the
Mundt-Nixon Bill specifically, for page after page, tries to write
a exact specification, like one of these phony city specifications
where there's some kind of a deal being made, that exactly fits the
Communist party to a "T." Then it is able just to accept that finding
out that anybody who is a member is guilty. It doesn't make
any difference whether he's done any act or not. The Legislature,
the Congress, will have already said in the law that this particular
specification is the only one which fits these particular specifications.
The criminal act is if you belong to that. If that isn't thought
so, I never saw it. (*Applause*)

Mr. Denny: Mr. Lewis?

~ Mr. Lewis: I would like to add that these Constitutional guarantees which you have just talked about have never been could never be interpreted in an absolute sense. Democracy not give its citizens the right, for example, to advocate and organize for mass murder, rape, and arson. In general, the principle democratic government cannot be interpreted in practice in a way as to make democratic government itself impossible. rights and freedoms of democracies should properly be extended to only those who accept the fundamental rules of democracy. (Applause).

Mr. Denny: Thank you. The lady in green there.

Lady: Question directed to Dr. Gideonse. Would government need to outlaw the Communist party if our churches and communities did their duty with reference to helping people like the difference between freedom and communism?

Dr. Gideonse: I think that question is right down my alley. I have to defend the free society to recommit ourselves and to dedicate ourselves to the meaning of a free society in theory, in regard to that question, and, above all, in practice as it reflects in theory. As we do that, there won't be any reason at all to be afraid of the effectiveness of communist propaganda.

The communist propaganda is effective because folks in America and in free societies, in general, have lost a command of understanding of their own free society. You give them that understanding, you quicken their own inspiration, and then they have nothing to worry about in open argument. You don't have to catch them by law. They stand up very well in open discussion. That's one of the things that I think is happening today.

May I say one word, Mr. Denny, about something that was said a moment ago about this business of democracy being something that you have to trust only to people who are democrats. That's fine. I'm for it if you spell democrats with a small "d." (Laughter and applause) But I'd like to have you notice that there is something very difficult in that statement if you want to make it embody that; if you want to say in a law that only such parties are going to be tolerated as open legal parties in the United States that are democratic with a small "d." You remember some other things that a lot of respectable Republicans and even some respectable Democrats, with a big "d," said about New Dealerism. Mr. Roosevelt in the last twelve years?

Do you remember how many of them have used the words "totalitarian" and even worse words than that about that particular type of political orientation? Now those people all were American democrats with a small "d." (Applause) I want to

w on this subject that really singles out only real totalitarians
not just folks you disagree with. (Applause)

r. Denny: Mr. Kersten. Yes, sir.

r. Kersten: Mr. Denny, to the advocate of only publicity to
with this very serious criminal situation, I'd like to suggest
Dr. Gideonse this situation. At the outbreak of the war, you
ll there were known Nazi saboteurs that were caught on the
Coast. Now they weren't handled by exposure alone. We had
to deal with them. Shortly before that time, a member of the
Communist party under Moscow direction, as I mentioned before,
e to Milwaukee and sabotaged the American destroyer pro-
n for six months. There was no law against that adequately to
nat situation. We were not at war with Russia. No adequate
could meet that situation. We think that when a person acts
er the direction of a foreign power, such as the Communist
y has done in certain instances in this country, that that type
ing should be declared illegal. I don't think exposure alone
meet it. (Applause)

r. Denny: All right. Congressman Javits?

r. Javits: Well, I don't think that Dr. Gideonse is arguing for
sure alone to catch rapists and felonists and holdup men. Of
se, not. There are laws on the statute books. There are sedition
espionage laws. We have a law that's just reached the eleven
Communist leaders.

at Mr. Kersten wants is under this difficult situation—and it
difficult—to get us into a law which is thought control and that's
I Dr. Gideonse and I are against. (Applause)

r. Denny: Thank you. The lady.

dy: Mr. Kersten, my question is, how are we going to dis-
sish between Communists and Socialists since they don't differ
in principle?

r. Kersten: Well I think the basic distinction between Com-
munist and any other group that asserts itself to be a political
or anything of that kind is that Communists don't deal in
own ideas. They don't operate from democratic principles
they arrive at in this country by free and open discussion.
operate as an international conspiracy under the iron
line of a foreign power, under the dictate of Moscow. And
the thing we don't want to permit in this country. (Applause)

Denny: Thank you. The gentleman on the aisle over there.

i: Major Lewis, may an ex-Captain ask a question?

Lewis: I was a private. (Laughter)

i: If communism were outlawed in these United States,

would you wish aid discontinued to European nations like France which recognizes communism as a legal party?

Mr. Lewis: Discontinuance of what to France?

Man: If communism were outlawed in the United States, would you wish aid discontinued to France, for example, which recognizes communism as a legal party?

Mr. Lewis: Oh, absolutely not. We're in favor of Marshall Aid to help rehabilitate the countries in Europe. Is that the answer to your question? But part of the Marshall Plan and part of the Atlantic Pact money that's gone over there is also to provide a bulwark in the event of future aggression.

Mr. Denny: Thank you. Next question.

Man: Dr. Gideonse. How do you accuse the Communist party of being a conspiracy in view of the fact that their publications are nationally distributed and all their literature is in every public library in the country?

Dr. Gideonse: I know their literature is in a public library. It hardly is relevant to a statement that, for instance, accuses individual Communists of conspiratorial activities. When you say the Communists are guilty of conspiratorial activities, it means that they are not open and aboveboard, that they often tend to be what they are not. You want any evidence on this tonight? Take New York City. Take an organization known as the American Labor party. Does anyone doubt that there is a number of people in the American Labor party who use its vehicle for the motives and purposes of Communists? Do I ever frankly admit that, although there is always a good deal of argument about that politically? Have you any evidence that the American Labor party has ever differed from any significant plank of the Communist party? That is what I mean by conspiratorial activity—deviousness, not being honest of what we stand for. (Applause)

Mr. Lewis: I'd like to throw this thought in. If a man says he has a gun, he is going to kill someone, that's a crime. When a person joins the Communist party, he decides to kill democratic government and I think that should be a crime, too. (Applause)

Mr. Denny: Thank you. While our speakers prepare their summaries of tonight's discussion, here's a special message of interest to you.

Announcer: At the opening of tonight's program, I read a few of the many letters we received in praise of our Round World Town Meeting. Here's an interesting suggestion from Edward J. Meeman, editor of the *Memphis Press Scimitar*.

"It was a fine thing that Town Hall did, touring the world."

senting an American Town Meeting with free, intelligent, good-
pered discussion of big questions in various capitals of the
ld. It's hard to think of a better way to show the world what's
t in the United States. A by-product was to show us how our
nguage is becoming a world language. From Vienna, from Rome,
n Cairo, from Karachi, from New Delhi, from Manila, and
er foreign cities, we heard over our home radios perfect
lish, spoken perfectly by foreigners.

ow that we have an opportunity to make our language the
ld language, we should guard our speech, preserve it from
ruption, and even improve its usage and pronunciation, and
lifify its spelling. Why not have an international academy of
lish, representing the teachers, writers, and speakers of the
lish-speaking world to cultivate what is best in this tongue?"
ow for the summaries of tonight's discussion, we return you to
Denny.

M. Denny: Our first summary comes from Congressman Javits.

Congressman Javits: We have shown that to outlaw the Com-
unist party is only to drive it underground and make it more
active to romantic and rebellious young intellectuals; that
so may catch in the same dragnet other perfectly constructive
ious or other groups striving for world-wide ideological ob-
jectives; and that outlawry is unnecessary since we have on the
is now or can enact legislation to reach effectively the sub-
on practiced by Communists and the Communist party and
lies and deceits; indeed, that we can meet and beat the Com-
unist challenge in the United States without outlawry which
only boomerang and subvert our own freedoms. (*Applause*)

M. Denny: Thank you, Congressman Javits. Now, Mr. Lewis?

M. Lewis: The Veterans of Foreign Wars of the United States
ge that the Communist party in America is part of an inter-
nal conspiracy headed by a foreign power seeking to over-
v the Government of the United States by force and violence.
Gideonse and Congressman Javits agree with this charge
would deal with Communism through the soft approach of
sure and denunciation which has thus far failed.

I propose that this international conspiracy in America should
t out of business by outlawing the Communist party. (*Ap-
plause*)

M. Denny: Thank you, Mr. Lewis. Dr. Gideonse?

Dr. Gideonse: The difficulty with our opponents in this program
hink, that they're good citizens and they assume, as a good
n would, that if a law is passed it will be obeyed.

Stalinist will have nothing but contempt for the law. Under

the circumstances, a law to outlaw the Communist party would simply be a statute to compel Stalinists to wear false whiskers when they do not do so now.

The chief peril to a free society by Stalinists now is that they wear false whiskers too often. I believe in legislation to uninhibit them. I believe in legislation, methods of fact gathering and publishing, but let's pull the false whiskers off—not compel men to wear them all the time. (*Applause*)

Mr. Denny: Thank you, Dr. Gideonse. Mr. Kersten, please.

Mr. Kersten: There really is complete agreement here to since both sides seem to think that the law should reach the Communists. That's what we're debating. They should be beyond the law.

But the question here tonight is a true understanding of freedom. Unrestricted freedom is the law of the jungle and of dictatorship that destroy the freedom of others. Thought controllers and freedom destroyers should not have the sanction of American Communists want only the freedom to carry out their own program. Wherever they have come to power, they have liquidated opposition. (*Applause*)

Mr. Denny: Thank you, Clyde Lewis, Congressman John Charles Kersten, and Harry Gideonse. For copies of tonight's discussion remember to send your request with 10 cents to Town Hall, New York 18, New York.

All of you who heard tonight's program will be particularly interested in next week's discussion, especially in the light of the election held in New York State today. Next week, Dore Schary, vice president in charge of production for Metro-Goldwyn-Mayer, and producer of the forthcoming film, *Battleground*, which is here in New York this week; Senator Paul Douglas, Democrat of Illinois; Representative John Davis Lodge, Republican member of Congress from Connecticut; and young Philip Willkie, attorney and member of the Indiana Legislature, will discuss the question, "What Should Be the Liberals' Program Now?" See you to be with us next week and every week at the sound of the Crier's Bell.